

## **REMARKS**

### **Claim Status**

Claims 4-12, 14-17, 35-44, 46-49, 60-68, 70-77, 79-83, and 85-87 are currently pending. Claims 5, 35-44, 46-49, 60-68, 70-77, 79-83, and 85-87 are allowed. Claims 4, 6-12, and 14-17 were previously allowed and are now rejected. Claims 4, 5, 35, 46-48, 60, 61, 74, 79, and 85-87 are the independent claims. Reconsideration and allowance of the claims argued herein are respectfully requested.

### **Subject Matter Indicated As Allowed**

The Office Action indicated that claims 5, 35-44, 46-49, 60-68, 70-77, 79-83, and 85-87 were allowed.

### **Section 103 Rejections**

The Office Action rejected claims 4, 6-12, and 14-17 under 35 U.S.C. §103(a) as being unpatentable over Jorgensen (U.S. Patent Application Publication 2003/0067903) in view of Youssefmir et al. (6,141,567). Reconsideration and further examination are respectfully requested.

In more detail, the Office Action stated that Jorgensen discloses an IP classification communication system as it is associated with a plurality of OSI layers with respect in a TDD system, wherein a set of parameters/QoS mechanisms for each individual IP flow as to monitor and

minimize interference, whereby modifications are made to parameter values based on QoS requirements. The Examiner admitted that Jorgensen does not disclose a first set of parameters and a second set of parameters, which result from adjusting parameter values of a first set of values. The Examiner relied on Youssefmir as disclosing changing an interference environment, wherein the architecture includes generator utilizing set of parameters, whereby there exists a primary set of data and a secondary set of data, wherein the second set of data are modifications and updates associated with computational resources which are associated with changing interference environment. However, independent claim 4 claims “obtaining *characteristics* of said communication system in response to said first set of values; determining a second set of values for said at least one parameter by *adjusting* a plurality of said first set of values in conjunction *in response to said characteristics*;...wherein said *adjusting includes adaptively calculating a newer set of said values* for said communication system *in response to a combination of an older set of said values and an adjusted set of said values.*” (*emphasis added*)

The prior art references do not teach or suggest “*adjusting includes adaptively calculating*” as claimed by Applicants. The application claims adjusting the first set of values in response to characteristics, resulting in a first set of values, and an adjusted set of values, which is a second set of values. The application uses the first and second sets of values to “adaptively calculate a newer set of said values...in response to a combination of an older set (first set) of said values, and an adjusted set (second set) of said values.” (See claim 4 of the application). This “newer set of said values” could be referred to as a third set of said values, which is not disclosed in the prior art references Jorgensen or Youssefmir, either alone or when combining these references. Youssefmir teaches “an

adaptive updating of the receive processing strategy based on the additional information provided by the second set of data...” (See col. 3, lines 49-53 of Youssefmir). Applicant has carefully reviewed the applied art, Jorgensen and Youssefmir, and sees no mention of obtaining *characteristics* of said communication system in response to said first set of values; determining a second set of values for said at least one parameter by *adjusting* a plurality of said first set of values in conjunction *in response to said characteristics*;...wherein said *adjusting includes adaptively calculating a newer set of said values* for said communication system *in response to a combination of an older set of said values and an adjusted set of said values*.

Further, it is noted that in the “Allowable Subject Matter” (page 4 of the Office Action), the Examiner stated that “the prior art fail to teach or suggest with respect to independent claim 4 and 60 obtaining characteristics of a communication system in response to a first set of values and determining a second set, adjusting includes calculating a newer set of values for link in response to a combination of an older set of values and an adjusted set of values...” Applicants also respectfully point out that claims 60-68, which were allowed, recite devices that perform the steps of claims 4, 6-12, and 14-17.

For at least the reasons cited in the arguments above, it is believed that amended independent claim 4 is allowable over Jorgensen and Youssefmir. Claims 6-12 and 14-17 depend either directly or indirectly from claim 4. For at least this reason and the reasons cited above it is believed that claims 6-12 and 14-17 are allowable over Jorgensen and Youssefmir. Such action is respectfully requested.

**Allowable Claim**

Applicants thank the Examiner for the indication that the remaining pending claims 5, 35-44, 46-49, 60-68, 70-77, 79-83, and 85-87 are allowed.

**CONCLUSION**

For the foregoing reasons, Applicants respectfully submit that all pending claims are patentable over Jorgensen and Youssefmir. To discuss any matter pertaining to the present application, the Examiner is invited to call the undersigned attorney at (650) 947-0700. Having made an effort to bring the application in condition for allowance, a timely notice to this effect is earnestly solicited.

Respectfully submitted,

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